



DCP Provision	Comment	Complies
3.01 Subdivision		
3.01.01 Site analysis	<p>1. The process for design follows the basic steps of:</p> <p>(a) site analysis to identify all constraints and opportunities, both on-site and external to the site</p> <p>(b) mapping, measuring or quantifying of constraints and opportunities</p> <p>(c) development of a subdivision design that properly considers and takes account of those constraints, opportunities and various elements of this development control plan.</p>	<p>Stratum subdivision is proposed for as part of this DA and is detailed further in the Staged Stratum Subdivision Report that accompanies this DA.</p> <p>A site analysis has been undertaken and ensures that views are maintained to the Drill Hall connecting to Birdwood Park. The site more broadly is located in a convenient location that is highly accessible and connected via public transport to the surrounding suburbs. The West end precinct is going through a major up-lift and after a thorough Architectural Design Excellence process the proposal intends to develop a positive future mixed-use precinct with positive ground plane response. The heritage constraints have been responded to appropriately and will provide up-lift to the existing built form at the site. Bellringer’s Retail &</p>

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		<p>Ground Plane experience Brief outlined these elements of the site at the Design Competition Brief stage. These have been adopted as major considerations for the design to adopt throughout the entire project lifespan.</p> <p>The report contains additional plans which outline the easements proposed existing and proposed affecting both Stage 1 and Stage 2 developments.</p> <p>Both Stages will comply with this provision of the NDCP 2012.</p>
3.01.02 Subdivision design	<p>1. Essential services are provided to each lot, including the delivery of:</p> <ul style="list-style-type: none"> (a) satisfactory supply of water (b) electricity (c) communications (d) the sustainable management of sewage. <p>The provision of reticulated natural gas and broadband internet are highly desirable.</p> <p>2. All services are provided underground. Where overhead electricity wiring exists in established areas, Council may vary this standard to provide for reasonable connection to the existing system.</p>	<p>As detailed in the Survey Plan, Services Infrastructure Report and Stratum Subdivision Report which accompany this DA, each lot will have access to essential services.</p> <p>There will be Hunter Water Plans submitted post DA lodgement as per the DA requirements.</p>

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	<p>3. The location of utility services does not adversely affect the viability of significant vegetation and waterways.</p> <p>4. Adequate buffers are maintained between utilities and houses to protect residential amenity and health.</p> <p>5. Energy Australia Style 2 standard light poles (galvanised) are used. If a developer proposes a more decorative style, Council may require a non-refundable payment to be made, at the rate of the unit cost for one pole and luminaire for each 10 units or part thereof.</p> <p>6. Copies of detailed construction plans, approved by the respective utility provider, submitted before a construction certificate is issued for subdivision work.</p> <p>7. For installation of services, proponents refer to the Model Agreement for Local Councils and Utility/Service Providers and the Guide to Codes & Practices for Streets Opening</p>	
3.10 Commercial Uses		
3.10.03 Streetscape and front setbacks	<p>1. Within established areas the front setback is consistent with those of adjoining development. Some variations to minimum setbacks can be considered particularly where such variations are used to create streetscape variety and interest.</p>	<p>The setbacks proposed have been established with consideration of the neighbouring properties. This is particularly evident along the Hunter Street frontage where the podium levels are designed to align with the development that is under construction at 723 Hunter Street. The project has been through a conscientious design process to ensure activation of the street</p>

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		frontage is provided and setbacks are consistent.
3.10.04 Side and rear setbacks	1. Side and rear setbacks to walls are in accordance with the Building Code of Australia and subject to consideration of impact on the privacy, private open space and solar access of adjoining properties.	A BCA Assessment Report accompanies this DA. The proposed setbacks have been provided in accordance with the BCA and consider privacy, private open space and solar access for both Stage 1 and Stage 2.
3.10.05 Street activation	<p>1. Provide activated street edges at ground level through the provision of retail premises or business premises uses in business/commercial zones.</p> <p>2. Ground floor retail uses provide multiple pedestrian accesses along the street frontage.</p> <p>3. A visual connection into uses at ground level and avoid the use of solid walls or covered glassing for lengths greater than 3m.</p>	The proposal has undergone a Design Excellence Competition which has carefully designed the ground plane to ensure activation of the streets and surrounding public domain. A Ground Plane and Retail brief was prepared as part of the Design Competition which was reviewed and endorsed by Council. The brief established a vision and set of ground plane principles that have set the tone for future success of the street environment. This has resulted in a mix of fine grain. retail and F&B tenancies located on the ground floor, designed with a high level of connectivity and interconnection despite the level change required due to the flood requirements. The design has also considered the through site link for

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		<p>pedestrians from Birdwood Park to National Park Street. The National Park Street frontage provides high quality space for community gatherings.</p> <p>A Public Art Plan has been prepared and accompanies this DA which seeks to further provide interest and activation of the ground plane. Particular attention has been paid to addressing Hunter Street where the bus stop and services has made it difficult for retail activation.</p>
3.10.06 Building design and appearance	<p>1. New development enhances and makes a positive contribution towards the desired built form.</p> <p>2. The following features of existing areas are considered and integrated into new development where possible:</p> <ul style="list-style-type: none"> (a) street setbacks (b) grouping or 'rhythm' of buildings within the streetscape (c) corner feature sites (d) traditional street and lane patterns (e) pedestrian walkways and other public open space areas (f) pavement design, including materials and finishes, kerb and gutter treatment 	<p>The proposal has undergone a Design Excellence Competition where the design has been interrogated to ensure it delivers a highly positive outcome for the West End precinct.</p> <p>Throughout this process the features mentioned have been considered both at the site and for the surrounding area such as the public domain precinct and open space for the community, the podium corner response to the adjacent heritage item and the alignment with the surrounding buildings and recreational spaces. Refer to the</p>

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		<p>Architectural Plans and Urban Design Report prepared by Plus Architecture for further detail.</p> <p>Connecting with Country principles have also been integrated, and are detailed within the Connecting with Country Report provided by Cola Studio that accompanies this DA.</p>
3.10.07 Views and privacy	<ol style="list-style-type: none"> 1. Properties are able to be developed within the established planning guidelines, however, existing views from dwellings are not substantially affected where it is reasonable to design for the sharing of views. 2. Grand vistas and views from dwellings which are recognised and valued by the community are not unreasonably obscured by new development. 3. Views to heritage or familiar dominant landmarks from dwellings are not unreasonably obscured. 4. A minimum 9m separation is provided between the windows of habitable rooms of facing dwellings that abut a public or communal street. This distance is increased to 12m for windows above first floor level. 5. Direct views between living area windows of adjacent dwellings are screened or obscured where: <ol style="list-style-type: none"> (a) ground and first floor windows are within an area described by taking a 9m radius from any part of the window of the adjacent dwelling. An area so defined is described as a 'privacy sensitive zone'. (b) other floor windows are within a 'privacy sensitive zone' described by a 12m radius. 	<p>The proposal has been designed within the parameters of planning guidelines largely complying with the exception of a minor non-compliance in building separation and FSR.</p> <p>Despite the minor exceedance, the design has been carefully thought through to ensure surrounding development views are not impacted. Notably, the location of the towers being south and west of the adjoining residential towers, limits their ability to impact important views.</p> <p>As evident in the View Analysis that accompanies this DA, views to heritage landmarks surrounding the site have also been appropriately designed to soften the visual impact in the context of the heritage items and heritage conservation area,</p>

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	<p>6. Direct views from living rooms of dwellings into the principal area of private open space of other dwellings are screened or obscured within a 'privacy sensitive zone' described by a 12m radius.</p> <p>7. Direct views described in (5) and (6) may be obscured by one of the following measures:</p> <p>(a) 1.8m high solid fences and walls between ground floor level windows and adjoining open space, where the slope is below 10%</p> <p>(b) screening that has a maximum area of 25% openings, is permanently fixed and is made of durable materials</p> <p>(c) landscape screening either by existing dense vegetation or new planting that can achieve a 75% screening effectiveness within three years.</p> <p>8. Mechanical plant or equipment designed and located to minimise noise nuisance.</p>	<p>preserving the significant views and unique character around the city. Further, the southwest and northeast corners are softened with a step-up approach and landscaping to minimise impacts.</p> <p>The building separation from dwelling to dwelling is greater than 12 metres from the surrounding residential developments.</p> <p>The living areas of dwellings have been separated beyond 12 metres for windows above first floor, with the minimum separation from the adjoining building that is a commercial development to be 15.1 metres. Privacy screens and measures have been included despite this compliance with the DCP.</p> <p>Habitable rooms are not located within 12 metres of any private open space of other dwelling. Privacy screens and measures have been included despite this compliance with the DCP.</p> <p>Privacy screening is provided for the habitable rooms that the neighbouring commercial tower and</p>

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		<p>private open space can view to mitigate any privacy issues.</p> <p>Mechanical plant and equipment have undergone an Acoustic Impact Assessment which accompanies this DA and concludes the location and design will minimise any noise nuisance. Thus, complying with the NDCP 2012. Condenser rooms are located on each floor to minimise noise and increase space on individual resident balconies.</p>
3.10.08 Fencing and walls	<ol style="list-style-type: none"> 1. The use of fencing along street frontages is not supported. 2. Fences and walls complement the existing streetscape in relation to scale and materials and use similar or compatible materials to those used in attractive buildings within the locality. 3. The use of sheet-metal fencing is avoided adjacent to public places, unless the visual impact is softened by landscaping. 	<p>There will be no fencing along street frontages.</p> <p>The walls for the podium are designed in alignment with neighbouring properties and in a way that activates the ground level for public use. Materials used have been chosen carefully to complement the surrounding locality and incorporate Connecting with Country principles.</p> <p>No sheet metal fencing is provided.</p>
3.10.09 Utilities and services	1. Mailboxes (where provided onsite) are located close to each ground floor entry, or a mailbox structure located close to the major pedestrian entry to the site and complying with the requirements of Australia Post.	A mail room is located on the ground floor nearby the lift area in a separate room.

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	<p>2. Bin storage areas are roofed and designed to conceal contents from view from adjacent public space and/or other properties. The bin storage area is provided with a water-tap for wash down purposes and is drained to connect to the sewer. The bin storage area is located as close as practicable to the pick-up location.</p>	<p>Bin storage rooms are located on the ground floor nearby the lift area in separate rooms. The area will provide adequate bin washing facilities and will be located close by the pickup location. See Waste Management Plan that accompanies this DA.</p>
Section 4.0 Risk Minimisation Provisions		
4.01 Flooding		
4.01.01 Floodways and Flood Storage	<p>1. No building or structure erected, and no land filled by way of the deposition of any material within any area identified as a floodway except for minor alterations to ground levels which do not significantly alter the fundamental flow patterns for:</p> <ul style="list-style-type: none"> (a) roads (b) parking (c) below ground structures (d) landscaping. 	<p>The development is proposed above ground with no basement levels or below ground structures proposed. A Site-Specific Flood Study was prepared by BG&E that accompanies this DA, outlining how underfloor storage is proposed to minimise the loss of flood water arising from the filling of the site to above the flood planning level. Accordingly, the proposed is compliant with the NDCP 2012.</p>
4.01.03 Management of risk to property	<p>1. Floor levels of all occupiable rooms of all buildings are not set lower than the FPL.</p> <p>2. Garage floor levels are no lower than the 1% Annual Exceedance Probability Event. However, it is recognised that in some circumstances this</p>	<p>Occupiable rooms and garages are all located above the flood level. As the finished (ground) floor level of the building is set to RL3.2m AHD, the depth of 1% AEP floodwaters through the ground floor will be zero.</p>

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	<p>may be impractical due to vehicular access constraints. In these cases, garage floor levels are as high as practicable.</p> <p>4. Electrical fixtures such as power points, light fittings and switches are sited above the FPL unless they are on a separate circuit (with earth leakage protection) to the rest of the building.</p> <p>5. Where parts of the building are proposed below the flood planning level, they are constructed of water-resistant materials.</p> <p>6. Areas where cars, vans and trailers are parked, displayed or stored are not located in areas subject to property hazard of P2 or higher. Containers, bins, hoppers and other large floatable objects also are not stored in these areas. Heavy vehicle parking areas are not located in areas subject to property hazard P3 or higher.</p> <p>7. Timber framed, light steel construction, cavity brickwork and other conventional domestic building materials are generally not suitable forms of construction where the property hazard is P4 or higher. Where property hazard is P4, the structure is certified by a practising structural engineer to withstand the hydraulic loads (including debris) induced by the flood waters.</p>	<p>Flood risk to property therefore only applies to structures along the frontage, that are of a 'landscape' nature or to the driveway access to the site at the rear. The flood hazard on Little King Street is classified as category "H5" on the Honeysuckle Flood study at the location of the driveway access, indicating that in a 1% AEP flood event, vehicular access to the site will be cut-off by flood waters, although it appears that the affectation is limited to events less frequent than a 5% AEP event.</p>
4.01.04 Management of potential risk to life	<p>On-site refuge</p> <p>3. On-site refuge is to be provided for all development where the life hazard category is L4 unless the proposed development is less than 40m from the perimeter of the PMF extent and the higher ground is accessible.</p>	<p>The Flood Certificate accompanying this DA states that the site has a risk to life Hazard Category of L4, which is characterised by short duration flash flooding with no warning time and enclosing waters during the PMF, not suitable for wading or heavy vehicle passage. The building will be a reinforced concrete structure and certification will be provided by a structural engineer for</p>

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		the refuge areas being capable of withstanding the forces of flood waters and impact from debris. Reinforced concrete structure and an emergency response plan is to be prepared at construction stage.
4.03 Mine Subsidence		
	1. Development is designed in accordance with relevant Subsidence Advisory NSW Development Guideline (as amended or replaced). Documentation must include appropriate notes and detail to confirm compliance with the Development Guideline.	A Mine Subsidence Numerical Modelling Assessment was undertaken for the proposal and accompanies this DA. It includes a Merit Assessment Policy provided within the appendices, detailing compliance.
	2. Where required development plans are submitted to Subsidence Advisory NSW for assessment and determination prior to the lodgement of a development application. Endorsed plans stamped by Subsidence Advisory NSW are to be submitted with the development application. Where required applications for subdivision are lodged to Subsidence Advisory NSW for assessment and determination prior to the lodgement of a development application. Endorsed plans stamped by Subsidence Advisory NSW are to be submitted with the development application.	The Mine Subsidence Modelling Assessment notes the DA submission may be required to be submitted to the Subsidence Advisory NSW for assessment.
4.04 Safety and Security		
4.04.01 General Principles	1. Potential criminal and/or anti-social behaviour risks for development are identified and addressed.	A Crime Prevention through Environmental Design (CPTED) Report has been prepared and accompanies this DA.

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	<p>2. The design and layout of the development:</p> <ul style="list-style-type: none"> ▪ is integrated into the wider public realm enhancing the potential for natural surveillance, access control, territorial reinforcement and space management; ▪ reduces temptations for vandalism and graffiti without detracting from the façade; and ▪ minimises or prevents opportunities for crime and risks to public safety while maintaining neighbourhood amenity and the character of the streetscape. 	<p>The CPTED identifies ways to improve natural surveillance and to deter offenders. This includes sight lines achieved through the plaza and the retail and commercial uses. Vegetation and landscaping within the plaza, street, podium and rooftop communal spaces and places of concealment and entrapment.</p> <p>Vandalism deterrence will be achieved through providing resistant lamps, anti-graffiti coatings and environmental maintenance.</p>
	<p>3. Development is designed to:</p> <ul style="list-style-type: none"> ▪ maximise opportunities for effective natural and/or technical surveillance; ▪ encourage active street environments as they enhance public safety; ▪ provide unimpeded sight lines, particularly along pedestrian pathways; and ▪ improve natural surveillance through increased legitimate use of spaces. 	<p>The CPTED Report outlines how the design of the development aims to maximise surveillance and safety. This will be achieved through surveillance, sight lines, lighting, territorial reinforcement, environmental maintenance, activity and space management and access control.</p>
	<p>4. Development considers areas that will be utilised at night and incorporates appropriate levels of lighting and/or visibility to improve safety and security and deter illegitimate activity.</p>	<p>Lighting will be provided appropriately at night around the public open spaces, and this will also ensure signage is legible. Landscaping will be appropriately placed to improve sightlines at night.</p>

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		Access to the car park will have a gate to avoid unwanted access.
	5. To create a sense of safety through greater knowledge of location and direction.	Legible signage throughout the day and night will be provided to identify location and direction without intruding on sightlines, informing those who pass-by. The design layout will also provide a sense of safety.
	<p>Acceptable solutions</p> <p>1. A Crime Risk Assessment in accordance with Table 1 is supplied for development that is considered to:</p> <p>a) create a risk of crime;</p> <p>b) involve an increased threat to public safety;</p> <p>c) and/or include a component to serve, sell or supply alcohol.</p>	A Crime Risk Assessment has been undertaken and a summary is provided in the CPTED Report that accompanies this DA.
	<p>2. Design and layout</p> <p>(a) Buildings are to be designed to allow casual surveillance of the street, for example by:</p> <p>(i) maximising the glazed shop front on the ground level so that views in and out of the shop can be achieved;</p> <p>(ii) providing openings of an adequate size in the upper levels to maximise opportunities for surveillance;</p> <p>(iii) locating high use rooms to maximise casual surveillance;</p>	The CPTED Report analyses the building design, identifying the positive outcomes and building management that will need to be provided to implement safe design. Some of the design items include the layout of the ground floor including the location of driveway access and parking, distinct residential entry points, plaza landscape, sightlines, independent and controlled access to commercial

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	<p>(iv) clearly displaying the street number on the front of the building in pedestrian view; and</p> <p>(v) ensuring shop fronts are not obscured by planting, signage, awnings and roller shutters.</p> <p>(b) Casual surveillance of loading areas is to be improved by:</p> <p>(i) providing side and rear openings from adjacent buildings that overlook service areas and clear sight lines; and</p> <p>(ii) providing adequate day and night lighting which will reduce the risk of undesirable activity.</p> <p>(c) Design entrances to buildings from public streets so that:</p> <p>(i) building entrances are clearly identifiable, defined, lit and visible;</p> <p>(ii) the residential component of a shop top housing development has a separate secure pedestrian entrance from the commercial component of the development;</p> <p>(iii) main entrances are clearly identifiable;</p> <p>(iv) pavement surfaces and signage direct pedestrian movements; and</p> <p>(v) potential conflict between pedestrians and vehicles is avoided.</p>	<p>uses on level 1, separate lift access for commercial and residential uses, landscaped podium for residential access only, activation of the surrounding streets, pedestrian and vehicle entrance is defined and view lines to Birdwood Park for greater surveillance.</p>
	<p>6. Signage / Wayfinding</p> <p>(a) Clear signage and wayfinding devices are incorporated into developments, including audible, tactile, graphic and/or architectural cues.</p> <p>(b) Information and directional signs are strategically located at entrances and near activity nodes (e.g., intersections of corridors and paths, landmarks).</p>	<p>Signage for the development including residential uses, commercial and retail signage will be subject to future DA's. Compliance with BCA requirements for signage and waiting will be incorporated within the future design.</p>

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	<p>(c) Information and directional signs are legible and where appropriate include standard symbols and/or simple graphics.</p> <p>(d) Location maps and directional signage are provided for larger developments.</p> <p>(e) Signposting is provided clearly identifying public amenities and hours of access (e.g., toilets, carparking, lifts, ATM's).</p>	
5 Environmental Protection Provisions		
5.02 Land Contamination		
5.02.03 Remediation work	<p>1. Remediation of land to be subdivided or developed is completed consistent with the proposed or current zoning and land use, so that it does not place any future landowner or occupier in a position where further remediation of contaminants is required. In the case of subdivision, all remediation work including site capping is to be completed on the development lots prior to the issue of a subdivision certificate.</p>	<p>The DSI included soil sampling within the fill and natural soils to about 1.5m depth and the installation of one groundwater well and collection of one groundwater sampling. The result of the DSI indicates that there is a low risk of widespread contamination within the fill and the groundwater beneath the site. Remediation is not required for the land.</p>
Section 5.05 Heritage Items	<p>Ensure development in the vicinity of heritage items is designed and located in such a way that the heritage significance of the heritage item is conserved.</p>	<p>The development is located in close vicinity to heritage items and within a heritage conservation area. There are no Heritage items on the site.</p> <p>The overall outcome of the proposal aims to develop a mixed-use precinct with high quality tower</p>

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		<p>forms providing a positive relationship to the immediate surrounds and acknowledging the surrounding heritage context. This is outlined in the Heritage Impact Statement (HIS) and View analysis that accompany this DA.</p> <p>For the podium the proposed design will contemporarily reinterpret the scale and importance of this corner through composition and form.</p> <p>The podium connects to the ground along Hunter Street through a series of columns and alignment with the adjacent commercial building.</p>
5.05.01 General principles	1. Any development application for works to a heritage item is accompanied by a Heritage Impact Statement, Conservation Management Plan, or Conservation Management Strategy, as required by the Newcastle Local Environmental Plan 2012.	There are no Heritage Items on the site, however the site is located within a Heritage Conservation Zone. A Heritage Impact Statement has been prepared by AMAC and accompanies this DA.
5.05.06 Development in the vicinity of a heritage item	<p>1. New development and alterations and additions in the vicinity of heritage items respects and enhances the setting and significance of the heritage item with regard to the following elements:</p> <p>(a) building envelope</p> <p>(b) proportions</p>	<p>The proposal has been designed to respond to the heritage items within close vicinity.</p> <p>The building envelope has a step-down approach to the southwest and positive interface at the northeaster corner. The finish of the podium</p>

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	<p>(c) setbacks</p> <p>(d) material and colours.</p>	<p>envelope has used warm colours and vertical blades respecting vertical lines found in surrounding facades.</p> <p>The grid like proportions of the Podium reflect the verticality in the detail of older buildings but in a contemporary design.</p> <p>The proposal is reasonably setback off the former Bellevue Hotel and former Army Drill Hall buildings to leave space for viewing.</p> <p>The material and colours are strongly contrasting. They complement the bank corner setting the corner frontage to Birdwood Park and the boundary curtilage of the Army Drill Hall. For further detail see the HIS that accompanies this DA</p>
	<p>2. Development in the vicinity of heritage items respect the heritage item by:</p> <p>(a) retaining adequate space around the heritage item to enable its interpretation</p> <p>(b) conserving significant landscaping including horticultural features, trees, and outbuildings</p>	<p>The proposal has provided soft corners with landscaping to create positive view lines for the south-eastern corner. The view analysis that is provided within the SoHI that accompanies this DA provides a comprehensive view analysis.</p>

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	<p>(c) enabling archaeological sites to be conserved in accordance with relevant approvals</p> <p>(d) retaining significant views and lines of sight to the heritage item.</p>	
6.01 Newcastle City Centre		
Section 6.01.02 Character Area	<p>B. West End</p> <p>Principles</p> <p>1. New public spaces are created to meet the demands of the future CBD and existing public open spaces are improved, such as Birdwood Park and Cottage Creek. Opportunities for new publicly accessible spaces are identified.</p> <p>2. Birdwood Park is recognised as an important element in the public domain network and as the western ‘gateway’ to the city centre.</p> <p>3. New development fronting Birdwood Park addresses the park edge and promotes a sense of enclosure by being built to the street alignment. Any new development ensures adequate midwinter lunch time sun access to Birdwood Park.</p> <p>5. Building entries are inviting with activate frontages that allow visual permeability from the street to within the building.</p> <p>6. Distinctive early industrial, warehouse and retail buildings that contribute to the character of the area are retained and re-purposed.</p> <p>7. Heritage items and their setting are protected.</p>	<p>The proposal will provide a new public open space at the ground plane to offer the residents and community. It will include landscaping and public art to further activate the space and attract visitors.</p> <p>Birdwood Park is well respected with the design and its south-western soft edge with associated landscaping for positive view lines from Birdwood Park to the site. This is illustrated in the Design Report and Landscape Report that accompanies this DA.</p> <p>The corner that fronts Birdwood Park is designed with a step approach to address the park edge and will not affect the lunch time solar access that Birdwood Park receives.</p> <p>The ground plane is designed to have active street frontages that are visible, with a through site link to connect National Park Street to</p>

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		<p>Birdwood Park. This has been ingrained within the design since before the competition with a detailed ground plane and retail brief setting core principles for the design to respond to.</p> <p>The Façade has suffered extensive damage due to refurbishment works that have been carried out over the years and is not recommended to be retained.</p> <p>Heritage items that are located in close vicinity of the site are responded to appropriately with softened edge and landscaping. The design has incorporated Connecting with Country principles to protect and enhance country within the design.</p>
6.01.03 General Controls		
A. Building Form	<p>A1. Street wall heights</p> <p>22m Street wall for King Street and a portion of National Park Street, 16m high street wall otherwise.</p>	<p>An 18.7 metre street wall height is proposed, consistent with the approved development at one National Park Street, which is consistent with the street wall height of the 'Verve' residences on King St. The adjoining property at 723 Hunter Street to the west which is currently</p>

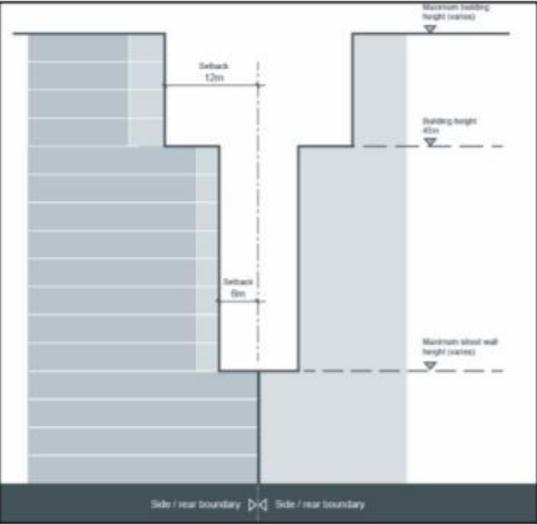
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	 <p>A1.1. Street wall heights of new buildings define and enclose the street, are appropriately scaled and respond to adjacent development.</p> <ol style="list-style-type: none"> 1. New buildings have a street wall height of 16m unless indicated otherwise. 2. Any development above the street wall height is set back a minimum of 6m. 3. Corner sites may be emphasised by design elements that incorporate some additional height above the nominated street height. 	<p>under construction is also aligned in terms of height and setbacks of the street wall.</p> <p>As mentioned above the street wall height is greater than 16 metres.</p> <p>Stage 1 – the tower is setback 5 metres which is an increase from the original 4.5 metres proposed. This impedance on the 6-metre setback in the DCP is to allow greater building separation for the west and southern sides of the tower for privacy of the habitable rooms that are located at the adjoining commercial development and Stage 2 development.</p> <p>Stage 2 – the southern and eastern tower sides are setback 3.1 and 3.6 metres to allow for the other sides of the building to have greater separation for the habitable rooms.</p>
A2. Building setbacks	A2.1. Building setbacks define and address the street and public domain spaces and respond to adjacent buildings.	The proposal provides a zero-level setback line to the podium. The proposed development above the street wall height has a varied upper-level setback between 3.1 metres to 20 metres. This non-compliance was known at the competition stage. Post the

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Minimum setback for side and rear boundaries		
Part of building	Side boundary	Rear boundary
Below street wall height	Nil	Nil
Between street wall height and 45m	6m	6m
Above 45m	12m	12m

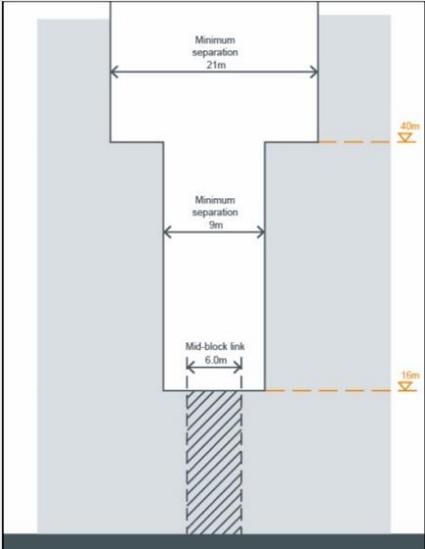


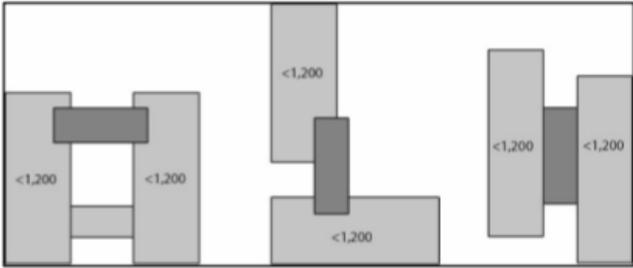
1. Front setbacks are nil (zero) unless shown otherwise in Figure 6.01-13 and Table 6.01-1.
2. Where it is not possible to meet the setbacks in the Figure and Table new development aligns with the adjoining front setbacks.
3. When a setback is used, footpaths, steps, ramps and the like may be provided within it.

competitive design process Plus increased the setback distances and replanned floor plates to ensure design excellence and that all impacts were managed. The scheme been reviewed and supported by the Design Integrity Panel (DIP) from a setback perspective on 07 October 2022.

The variation of the upper-level setback is considered appropriate as the design response does not overbear the public domain, and setbacks comply with the ADG guidelines regarding visual privacy.

DCP Provision	Comment	Complies												
	<p>4. Minor projections beyond the setback are possible for Juliette balconies, sun shading devices, and awnings. Projections into the setbacks are complementary to the style and character of adjoining buildings.</p> <p>A2.2 Side and rear setbacks enhance amenity and allow for ventilation, daylight access, view sharing and privacy for adjoining buildings.</p>													
A3. Building Separation	<p>A3.1. Sites that accommodate more than one building achieve adequate daylight, ventilation, outlook, view sharing and privacy for each building.</p> <p>1. Buildings achieve the minimum building separation for commercial buildings within the same site, as shown in Table and Figure.</p> <p>2. Building separation distances may be longer for residential and mixed-use developments to satisfy SEPP 65 guidance.</p> <p>3. Sites with a road frontage 100m or greater include separation between buildings to maximise view corridors between the buildings and provide appropriate through-site links.</p> <table border="1" data-bbox="719 922 1330 1098"> <thead> <tr> <th colspan="4" data-bbox="719 922 1330 991">Minimum building separation</th> </tr> <tr> <th data-bbox="719 991 871 1043">Up to 16m</th> <th data-bbox="871 991 1023 1043">Up to 45m</th> <th colspan="2" data-bbox="1023 991 1330 1043">Above 45m</th> </tr> </thead> <tbody> <tr> <td data-bbox="719 1043 1023 1098">Nil or 6m for link</td> <td data-bbox="1023 1043 1167 1098">9m</td> <td data-bbox="1167 1043 1330 1098">21m</td> <td data-bbox="1330 1043 1541 1098"></td> </tr> </tbody> </table>	Minimum building separation				Up to 16m	Up to 45m	Above 45m		Nil or 6m for link	9m	21m		<p>The building separation proposed between the Stage 1 tower and the adjoining commercial residence at 723 Hunter Street, Newcastle West is 15.1 metres (levels 13 to 16) to 15.8 metres (level 17), and 17 metres between the Stage 2 tower and 723 Hunter Street, Newcastle West. Both these separation distances do not comply with the 24 metres prescribed by Clause 7.4 (a) of the NLEP 2012.</p> <p>This non-compliance is a result of 723 Hunter Street being a commercial development and not providing equitable setbacks as per the ADG, and the numerous design considerations including apartment layout design, solar access, and view impacts.</p> <p>The building separation between the two towers proposed in Stage 1 and Stage 2 is 23-metre separation with a 1 metre non-compliance. This non-</p>
Minimum building separation														
Up to 16m	Up to 45m	Above 45m												
Nil or 6m for link	9m	21m												

DCP Provision	Comment	Complies
	 <p>The diagram illustrates building separation and mid-block link dimensions. It shows three building footprints. The top footprint is on the left, the middle on the right, and a smaller one below the middle. Dimensions are: Minimum separation 21m between the top two buildings; Minimum separation 9m between the middle and right buildings; Mid-block link 6.0m between the middle and right buildings; and a 6.0m mid-block link between the middle and right buildings at a lower level. Levels 40m and 15m are indicated on the right side.</p>	<p>compliance is minor and managed through apartment layouts and careful consideration of amenity impacts.</p> <p>Accordingly, the proposal is accompanied by a Clause 4.6 Variation Report.</p>
<p>A4. Building depth and bulk</p>	<p>A4.1. Building depth and floor plate sizes relates to the desired urban form and skyline of the city centre.</p> <ol style="list-style-type: none"> 1. Buildings achieve the maximum building depth and floor plate sizes as outlined in Table. 2. Buildings with large floor plates are expressed as separate building elements, as shown in Figure 3. Buildings above street wall height have a maximum building length of 50m. 4. Floor plates are flexible and allow adaption for multiple configurations or uses. <p>A4.2. Buildings achieve good internal amenity with minimal artificial heating, cooling and lighting.</p>	<p>The buildings have a floor plate size less than 900sqm, approximately 600sqm and generally have a building depth of less than 18m. Therefore, complies.</p> <p>The building depth and floor plate sizes have been tested and refined during the design competition and throughout post competition phase.</p> <p>The podium and towers are expressed as separate building elements to provide visual interest and ensure good internal amenity is achieved.</p>

DCP Provision	Comment	Complies												
	<table border="1" data-bbox="712 256 1420 497"> <thead> <tr> <th colspan="4" data-bbox="712 256 1420 308">Maximum building depth and floor plate size</th> </tr> <tr> <th data-bbox="712 308 869 427">Building typology</th> <th data-bbox="869 308 1048 427">Floor plates affected</th> <th data-bbox="1048 308 1205 427">Maximum GFA per floor</th> <th data-bbox="1205 308 1420 427">Maximum building depth</th> </tr> </thead> <tbody> <tr> <td data-bbox="712 427 869 497">Residential tower</td> <td data-bbox="869 427 1048 497">Above street wall height</td> <td data-bbox="1048 427 1205 497">900m²</td> <td data-bbox="1205 427 1420 497">18m</td> </tr> </tbody> </table>  <p>The diagram illustrates a site plan with several building footprints. Each footprint is labeled with '<1,200', indicating that the maximum building depth for all structures is less than 1,200 meters. The buildings are arranged in a cluster, with some having setbacks from the street.</p>	Maximum building depth and floor plate size				Building typology	Floor plates affected	Maximum GFA per floor	Maximum building depth	Residential tower	Above street wall height	900m ²	18m	<p>11% of adaptable apartments will be achieved for Stage 1 and 9% for Stage 2 which comes to an overall 10% of adaptable apartments for the development, which is compliant.</p>
Maximum building depth and floor plate size														
Building typology	Floor plates affected	Maximum GFA per floor	Maximum building depth											
Residential tower	Above street wall height	900m ²	18m											
A5. Building exteriors	<p>A5.1. Building exteriors feature high quality design with robust materials and finishes.</p> <p>A5.2. Building exteriors make a positive contribution to the streetscape and public domain.</p> <p>A5.3. Building exteriors are designed to ensure a positive contribution to streets and public spaces.</p> <p>A5.4. Building exteriors respond to adjoining buildings.</p>	<p>The proposal is accompanied by a detailed Design Report prepared by Plus Architecture which describes in detail the buildings materiality and quality of architectural finish.</p> <p>Overall, the proposed materials will provide a building exterior which makes a positive contribution to the streetscape and public domain.</p>												
A6. Heritage buildings	<p>A6.2. Infill development conserves and enhances the cultural significance of heritage items and their settings.</p> <p>Acceptable solutions</p>	<p>The proposal shares a boundary curtilage with a locally listed heritage item, known as the Army Drill Hall. The proposal has been through a conscientious design process to</p>												

DCP Provision	Comment	Complies
	<p>1. Design infill development to respond to the scale, materials and massing of adjoining heritage items. Design solutions include:</p> <p>(a) aligning elements such as eaves lines, cornices and parapets</p> <p>(b) responding to scale proportion, pattern, form or rhythm of existing elements such as the structural grid</p> <p>(c) complementary colours, materials and finishes.</p>	<p>ensure the bulk, scale, and materials used will preserve the cultural significance of the item. Overall, the proposal will respond appropriately to the item and complement it with the chosen colour palette thus complying with NDCP 2012.</p> <p>As discussed in the HIA that accompanies this DA.</p>
<p>A8. Design of parking structures</p>	<p>A8.1. At-grade or above-ground parking structures are well designed.</p> <p>A8.2. Minimise the visual impact of at grade or above-ground parking structures.</p> <p>1. All parking is provided within the building footprint either within basements or well-integrated into the building's design using materials and architectural façade treatments that are common to the rest of the development.</p> <p>2. Where on-site parking cannot be provided within the building footprint it is located to the side or rear and not visible from the primary street frontage.</p> <p>3. Access to above ground car parking is located inside or rear streets or lanes.</p> <p>4. At-grade or above-ground car parking is screened from view from public spaces. Design solutions include:</p> <p>(a) green walls and roofs</p> <p>(b) solar panels incorporated into screens and awnings over car parking</p>	<p>The proposed above-ground parking has been designed with appropriate setbacks and coverage to ensure the car park is not visible from the main road. There will be no basement parking provided and all parking is designed to appropriately fit within the lower five levels of the podium integrated with commercial/retail, apartments and services/facilities. This is achieved through the façade design and landscaping, thus complying appropriately with the NDCP 2012.</p>

DCP Provision	Comment	Complies
	<p>(c) architecturally designed façade treatments that incorporate artworks</p> <p>(d) using car park roof tops for community facilities such as tennis courts</p> <p>(e) sleeved by active and/or other uses as per Figure 6.01-16 and Figure 6.01-17 of the DC</p> <p>P. A8.3. Basement car parks are designed to provide protection against flooding.</p> <p>1. The design of entry ramps, ventilation points and pedestrian exits prevents water entering the basement until the last possible moment in a flood event, as shown in Figure 6.01-18. Design solutions include warning signage of the hazard and the route to safe refuge affixed in prominent locations.</p>	
A9. Landscaping	<p>A9.1 New development incorporates landscaping and communal open space that respects the desired character of the streetscape, adjoining land and public spaces</p> <p>Acceptable solutions</p> <p>1. Landscaping and communal open space is provided having regard to the desired streetscape character, building setbacks and relationship to public open space.</p> <p>2. Landscaping on upper levels and roof tops through the use of roof and wall gardens is encouraged in compliance with Section 7.02.07 Green walls and roof space.</p> <p>3. Private open space areas which adjoin public open space complement the landscape character of the public open space.</p> <p>4. Residential buildings in the city centre do not require the provision of a deep soil zone.</p>	<p>The proposal is accompanied by detailed Landscape Plans prepared by Urbis.</p> <p>The landscaping strategy for the proposal focuses on an organic approach to landscape design, that responds to the competition ground plane and retail brief. With careful consideration of the adjacent Birdwood Park. This is outlined in the architectural drawings and Landscape Plan (accompany this DA) and is achieved through a connection to extend the park up through the podium ensuring no fixed elements such as planters to</p>

DCP Provision	Comment	Complies
		<p>ensure the retail environment better interacts with the public domain. The proposal also incorporates a plaza which is framed by various tree species and extends into the development site, allowing it to be expressed on the northern part of the podium façade along Hunter Street.</p> <p>The centrally located communal courtyard gardens on the Podium level provide residents with a series of formal and informal gathering spaces. Large open lawns, seating pods, bushtucker/vegetable garden, pet zones, childrens play, bbq areas, and fitness spaces have also been integrated into the podium.</p> <p>Level 17 also provides an outdoor kitchen and dining area with copy for full shade cover, seating area and landscaping with a wind screen to provide additional private open space for the residents to enjoy,</p>
B. Public domain	<p>B1.1 Streets prioritise pedestrian, cycling and public transport users to support sustainable travel behaviour.</p> <p>Acceptable solutions</p>	<p>The proposal focuses on prioritising an active ground plane to ensure the success of the retail environment and in turn increases the vitality of</p>

DCP Provision	Comment	Complies
	<p>1. Improved and new pedestrian connections are as shown in Figure 6.01-19 and are designed in accordance with the City Centre Public Domain Technical Manual.</p> <p>2. Sites with a street frontage 100m or greater incorporate additional pedestrian connections to improve access and permeability.</p> <p>3. New pedestrian connections are within comfortable walking distance to public transport.</p> <p>4. Streets and lanes are connected to encourage pedestrian use.</p> <p>5. Way finding signage is incorporated and clearly defined</p> <p>B1.2 Lanes, through-site links and pedestrian paths are retained, safe and enhanced to promote access and public use.</p> <p>B1.5 Public transport facilities are integrated into the access network.</p> <p>B1.6 Cycle routes are safe, connected and well-designed.</p>	<p>the streets and encourage sustainable travel solutions.</p> <p>The proposal includes provision for active traffic modes with the highly accessible provision of bicycle storage and End of Trip (EoT) facilities for the business and retail land uses in convenient locations to encourage safety and higher usage of active transport modes.</p> <p>Flexible space has also been provided on the site for the Hunter Street bus stop location to facilitate any future upgrades needed for public use.</p> <p>The creation of the pedestrian plaza and link to the development from Birdwood Park also provides a safe, and well-designed connection which is in comfortable distance from public transport. The project is EV ready.</p>
B3. Active Street Frontages	<p>B3.1 In identified activity hubs, ground floor uses add to the liveliness and vitality of the street.</p> <p>Active street frontage – required</p>	<p>The proposal has been designed to incorporate business and retail land uses at ground floor to encourage pedestrian traffic and active street frontages.</p>

DCP Provision	Comment	Complies
	<p>1. Active frontages are a minimum 70% of the primary street frontage. They have transparent glazing to allow unobstructed views from the adjacent footpath to at least a depth of 6m within the building.</p> <p>2. Active frontages are to be provided in activity nodes:</p> <p>(a) in the locations shown in Figure 6.01-24</p> <p>(b) on through block links, pedestrian only lanes and arcades</p> <p>(c) on all other streets where possible.</p> <p>3. New development:</p> <p>(a) maximises entries or display windows to shops and/or food and drink premises, customer service areas and activities which provide pedestrian interest and interaction.</p> <p>(b) minimises fire escapes, service doors, car park entries and plant and equipment hatch and grilles, to the active frontage</p> <p>(c) provides elements of visual interest such as display cases, or creative use of materials where fire escapes, service doors and plant and equipment hatches cannot be avoided.</p> <p>(d) provides a high standard of finish for shop fronts.</p> <p>(e) avoid blank walls that inhibit natural surveillance and encourage graffiti.</p> <p>4. Street frontages are activated through one or more of the following:</p> <p>(a) retail and shop fronts</p> <p>(b) cafés or restaurants</p> <p>(c) active office uses, visible from the street</p>	<p>Smaller fine grain tenancies are proposed to increase diversity, present a cheaper cost of entry for fit-outs and align with the retail and ground plane brief prepared by Bellringer. The tenancies are designed in a flexible manner so that larger tenants can also move in by deleting inter tenancy walls.</p> <p>The Landscape response has been careful not to land to heavy on the steps with fixed planters as this could create two separate footpaths at different levels risking the success of the retail. Instead, the response is an organic design with a series of pots and a mixture of plant species and public art to deliver a compressed, connected and highly engaging ground plane to support the commercial elements.</p> <p>The active frontages are proposed to have glass facades to allow unobstructed views from the adjacent footpath to the depth of the building. The proposal provides elements of visual interest, creatively uses materials for the façade and public domain and will provide a high standard for shop fronts. Overall, the</p>

DCP Provision	Comment	Complies
	<p>(d) public building or community facilities where activities inside the building are visible from the street</p> <p>(e) entries and lobbies</p> <p>(f) multiple entries for residential buildings</p> <p>(g) uses that overlook the street</p> <p>(h) uses that screen or sleeve car parks to a minimum depth of 6m from the street</p> <p>(i) avoiding Porte cochère.</p> <p>5. Ground levels of buildings in commercial core and mixed zones have a minimum 4m floor to ceiling height on the ground floor to ensure flexibility for a variety of active uses.</p> <p>6. Foyer and lobby spaces are no more than 20% of the street frontage where active frontages are required as shown in Figure 6.01-24, or no more than 8m of a street frontage elsewhere.</p> <p>7. The ground floor level is at the same level as the footpath.</p> <p>8. Shopfronts are enclosed, unless they are food and drink premises.</p> <p>9. Security grills, where provided, are fitted internally behind the shop front, are fully retractable and at least 50% transparent when closed</p> <p>10 Active uses in existing and new laneways are encouraged.</p>	<p>proposal presents a high level of compliance with the NDCP 2012.</p> <p>For further details refer to the Architectural Plans and Detailed Design Report which accompany this DA prepared by Plus Architecture.</p>
B4. Addressing the street	<p>B4.1 Buildings positively address streets, footpaths, lanes and other public spaces.</p> <p>B4.2 Ground levels are designed to mitigate flood risk while ensuring accessibility and a positive relationship to the public domain.</p>	<p>The ground plane has been designed to activate the street frontages with commercial/retail,</p>

DCP Provision	Comment	Complies
		<p>landscaping, public art and open space.</p> <p>The ground plane has adopted measures to ensure that the flood risk is mitigated and there are no underground levels proposed to the development which would increase this risk.</p>
B5. Public artwork	<p>B5.1 Significant development incorporates public artwork.</p> <p>B5.2 Artworks in new buildings are to be located so they can be appreciated from streets and public spaces</p> <p>B5.3 Public artworks are used to interpret heritage components or recognise former uses of large development sites</p>	<p>A Preliminary Art Plan has been prepared by Art Pharmacy and accompanies this DA. As per the NDCP 2012, developments over 45m in height are required to allocate 1% of the capital cost of development toward public artwork for the development. The Capital Cost for this proposal is \$107,584,000.00 across both stages. The sum of \$1,075,840.00 has been allocated by St Hilliers as the budget for art for 711 Hunter Street to be spent within the development, meeting the 1% requirement for public art in private developments. Art Pharmacy has explored different forms of public art which has potential to be included within the proposal including water features, murals, catenary hanging, undercroft works and an opportunity</p>

DCP Provision	Comment	Complies
		to incorporate the Marcus Clarke Building history into design. Accordingly, the proposal is highly compliant with NDCP 2012.
B6. Sun access to public spaces	<p>B6.1 Reasonable sunlight access is provided to new and existing significant public spaces.</p> <p>Sunlight access is provided to significant public spaces for at least 2 hours during mid-winter between 9am and 3pm, demonstrated by shadow diagrams. Significant public spaces in the city centre include:</p> <p>(d) Birdwood Park</p>	Shadow Diagrams prepared by Plus Architecture accompany this application and demonstrate the proposals compliance with sunlight provisions. The proposal will allow sunlight to Birdwood Park for at least 2 hours during mid-winter between 9am and 3pm.
6.01.04 Key Precincts		
D. Birdwood Park	<p>Objectives:</p> <ol style="list-style-type: none"> 1. Guide development that contributes to the realisation of a future commercial core. 2. Create a sense of arrival into the city centre from the western approach. 3. Promote active street frontages. 4. Protect heritage items and contributory buildings. 5. Promote a permeable street network in Birdwood Park precinct with well-connected easily accessible streets and lanes. 6. Provide new public spaces and improve pedestrian amenity, particularly to Birdwood Park. 	<p>The proposal incorporates both retail and business premises into the ground level of the development to provide land uses which will contribute to the realisation of the future commercial core and encourage commercial growth of the Newcastle West Precinct.</p> <p>The ground plane is also essential as it creates a community space that complements the arrival of the community and visitors who are visiting Birdwood Park and other surrounding experiences in the city. This proposed design incorporates</p>

DCP Provision	Comment	Complies
	7. Improve Birdwood Park with a strong built edge and protecting sunlight access.	<p>this arrival through the positive connection with Birdwood Park to the public open space. This is achieved through connection from Birdwood Park to the terrace and up through the podium and the through site link that connects pedestrians from the park to National Park Street through the site.</p> <p>This plaza creates a pedestrian link to the adjacent Birdwood Park which is permeable and easily accessible for patrons. Overall, the ground plane of the development creates a strong, high amenity and pedestrian friendly environment which will make people feel comfortable within the public domain.</p> <p>The proposal is also conscious of its curtilage with a local heritage item, Army Drill Hall. The proposal is sensitive to this item and utilises appropriate bulk, scale and materiality to ensure it is protected and the heritage significance remains intact.</p>
	D2 The bulk of building for is managed to promote good amenity for pedestrians and neighbouring buildings and to integrate well with heritage items and contributory buildings	The proposal has been articulated to ensure there are no large blank expanses of built form and buildings

DCP Provision	Comment	Complies
	<p>1. Large scale new development is articulated so that large expanses of building form are broken down into smaller elements to reduce building bulk.</p> <p>2. Taller buildings are set back from Hunter Street, to provide a gradual increase in scale from Hunter Street.</p>	<p>have been set back from Hunter Street to provide a gradual increase in scale. Refer to the Architectural Plans and Detailed Design Report prepared by Plus Architecture for further information.</p>
	<p>D3 Public domain – promote Birdwood Park as the primary open space asset in the precinct</p> <p>1. New development in the precinct ensures that a minimum of 3 hours of sunlight is provided to 50% of Birdwood Park between 9 am and 3pm on 21 June.</p> <p>2. Reshape King Street, along Birdwood Park, as a shared pedestrian and vehicular street and a place of pedestrian activity by:</p> <p>(a) reducing the road carriageway to minimum widths to maximise space on the footpath for pedestrians, landscaping, public art or outdoor dining.</p> <p>(b) raising the level of the carriageway and marking the space with indicators to slow drivers and signal arrival into a shared space.</p> <p>(c) incorporating other traffic calming measures such as landscaping and low speed limits.</p> <p>(d) restricting service vehicle access at certain times of the day to allow for other activities.</p> <p>3. Public domain works including tree planting, furniture, lighting and materials, is carried out in accordance with the City Centre Public Domain Technical Manual.</p>	<p>The proposal is accompanied by Shadow Diagrams prepared by Plus Architecture which demonstrate the development allows 3 hours of sunlight to be provided to 50% of Birdwood Park between 9am and 3pm 21 June.</p> <p>The proposal creates a plaza and pedestrian link to the adjacent Birdwood Park. This link is highly permeable and easily accessible for patrons. The proposal also provides ample landscaping, street furniture, lighting and public art to create opportunity for passive recreation and a sense of place.</p> <p>The proposal proposes retail tenancies fronting Birdwood Park improving passive surveillance.</p> <p>Overall, the proposal is highly compliant and the public domain aspirations of the NDCP 2012.</p>

DCP Provision	Comment	Complies
	<p>D4 Servicing and access minimises conflicts with pedestrians</p> <ol style="list-style-type: none"> 1. Service deliveries are not to be made from Hunter Street or Stewart Avenue for development which has access to another street frontage. 2. For development that has no other frontage than Hunter Street, hours for service deliveries are restricted to minimise potential conflicts with other activities. 3. Vehicle access and servicing is located to minimise conflicts with pedestrians. 4. Loading docks and their access points are not permitted on Hunter Street. 	<p>One centralised loading and waste collection area is proposed for the development. This will be constructed as part of the first stage, with future development stages (i.e., stage 2) also utilising this loading area following its completion. The loading area will be accessed through the driveway at Little King Street.</p> <p>The proposal also removes all existing driveway crossings to National Park Street and proposes a flexible short-term pick-up drop off on street area suitable for use as loading/taxi/uber/food delivery which could be delivered without a net loss to on street parking. These areas are increasingly important for CBD residents and business particularly with the growth of the 'gig economy' where drivers need a safe and convenient place to stop and service customers across an 18-hour day.</p>
6.02 Heritage Conservation Areas		
	Character	The proposal has been through a conscientious design process to ensure it is appropriate to the surrounding area and considers the

DCP Provision	Comment	Complies
	<p>5. The character or style of new buildings relates to the overall character of the area. The design of new buildings should be influenced by the style of buildings within the street and the neighbouring buildings.</p> <p>6. The character of an infill building harmonises with the style of its neighbours. In particular, the proposed building should avoid becoming a dominant element within the streetscape or being deliberately modern.</p>	<p>heritage style of neighbouring Army Drill Hall Building. The proposal is detailed further within the accompanying Architectural Plans and Detailed Design Report prepared by Plus Architecture.</p> <p>The Design ensures it complements the surrounding heritage items and heritage value of the heritage conservation area (HCA) in which it is located. This has been achieved through rounded corners and curved details, use of a recess in the façade along National Park Street and landscaping to achieve sympathetic design for the overall site within the HCA it is located. This is illustrated in the view analysis that accompanies this DA.</p>
	<p>Scale</p> <p>7. Infill buildings must reflect the general scale of streetscapes within the heritage conservation area. In particular, infill buildings should respect and be similar to the scale of neighbouring contributory buildings in the vicinity.</p> <p>8. The predominant height of contributory buildings in the street should be used as the starting point for the scale of infill buildings, rather than the highest building in the street (especially where the highest building is non-contributory or intrusive).</p>	<p>The proposal has been through a conscientious design process to ensure it is an appropriate scale to the surrounding area and considers the heritage style of neighbouring Army Drill Hall Building. The proposal is detailed further within the accompanying HIS by John Carr and Architectural Plans and Detailed</p>

DCP Provision	Comment	Complies
	<p>9. Consideration must be given to the relative scale of the components of a building. Infill development must be designed with elements that reflect the scale of building elements in contributory buildings. For example, window proportions and the height of major elements such as parapets and eaves lines relative to neighbouring buildings, balustrades and roof lines.</p>	<p>Design Report prepared by Plus Architecture.</p>
	<p>Form</p> <p>10. The form of new buildings (i.e., massing and overall bulk) is consistent with the prevailing form of contributory buildings within the heritage conservation area.</p> <p>11. New development relates to the massing of neighbouring contributory buildings.</p> <p>12. The roof form, slope and pitch of new development reflects and is respectful of the typical forms of contributory buildings in the heritage conservation area.</p>	<p>The proposal has been through a conscientious design process to ensure it is an appropriate form to the surrounding area and considers the heritage style of neighbouring Army Drill Hall Building. This is achieved through the façade design and public domain context that has used sympathetic materials and design for the surrounding heritage context. Also providing positive connection to adjoining heritage items. The proposal is detailed further within the accompanying Architectural Plans and Detailed Design Report prepared by Plus Architecture.</p>
	<p>Setbacks and orientation</p> <p>13. Infill development is setback consistent with the prevailing setbacks in the heritage conservation area. For example, zero lot lines to front boundaries is a development pattern that should be repeated where relevant to the streetscape.</p>	<p>The proposal presents compliance with DCP controls set out in Section A2 of NDCP 2012. The setbacks are evident at drawing PLA-DA-S1-1000 and PLA-DA-S2-1000 of the Architectural Plans.</p>

DCP Provision	Comment	Complies
	<p>Materials and details</p> <p>14. The materials and details of new development are compatible with, but not directly copy, those of contributory buildings in the streetscape.</p>	<p>The proposal has been through a conscientious design process to ensure it is of an appropriate materiality and colour palette to the surrounding streetscape. The proposal is detailed further within the Connecting with Country Report that accompanies this DA. This report influences the colour scheme and design through integrating country and its elements, influencing materials and colour tone and pattern that is used. This can be found in the materials palette at PLA-DA_S1-7000 MATERIALS SCHEDULE and PLA-DA-S2-7000 MATERIAL SCHEDULE.</p>
	<p>Vehicle accommodation</p> <p>15. Garages and carports are sited at the rear or behind the building line.</p> <p>16. Where a property has access to a rear lane, vehicle accommodation is located adjacent to the laneway, providing vehicle access from the laneway.</p> <p>17. Additional vehicular crossings in heritage conservation areas are not supported unless the proposed car-parking is provided at the rear of the site.</p>	<p>The proposal includes car parking set across 4 levels podium. The car park is appropriately screened by façade material and landscaping to ensure it does not propose any negative visual impacts to the public domain. The car park is accessible via Little King Street.</p>

DCP Provision	Comment	Complies
	<p>18. Where access to the rear or side of the site is not available, single garages and carports are permitted where demonstrated that the impact on the streetscape is acceptable.</p> <p>19. Where double garages are proposed it is at the rear and does not impact the public domain or appreciation of the character of the heritage conservation area.</p> <p>20. Sandstone kerbing is not impacted.</p> <p>21. Paving materials are terminated inside the property boundary and are not extended into the public domain.</p>	
7.02 Landscape, Open Space and Visual Amenity		
7.02.01 Categories of development	Category 3 - large scale development or development on prominent or ecologically sensitive sites with a high degree of visual significance and environmental impact.	
	<p>Landscape plan documentation for categories 2 and 3 development applications is in accordance with the following table:</p> <ul style="list-style-type: none"> ▪ Site Survey and Analysis – 3 copies at DA stage. ▪ Landscape Concept Plan/Master plan – 3 copies at DA stage. ▪ Preliminary Landscape Design Report - 1 copy at DA stage. ▪ Comprehensive Landscape Plan, Specifications – 3 copies at CC stage. ▪ Landscape Practical Completion Report by Landscape Architect or design consultant – 1 copy at occupation certificate stage. ▪ Landscape Establishment Report – 1 copy at completion of maintenance period. 	Please refer to Landscape Plans prepared by Urbis for details of compliance. The DA supplies the relevant documentation that is required and intends to provide relevant documentation required at CC and OC stage.

DCP Provision	Comment	Complies
	<p>2. All documentation for Category 2 development is prepared by competent and experienced designers such as:</p> <p>(a) landscape architects</p> <p>(b) landscape designers with relevant tertiary qualifications such as TAFE and/or members of the Australian Institute of Landscape Designers and Managers</p> <p>(c) specialist advice such as horticulture or tree surgery should be obtained from members of the Arboriculture Association of Australia, or the Australian Institute of Horticulture.</p>	<p>The proposal is considered category 3 see above.</p>
	<p>3. All documentation for Category 3 development is prepared by a Landscape Architect or similar qualified professional practising at the membership level of Registered Landscape Architect of the Australian Institute of Landscape Architects, or as determined by Council.</p>	<p>The proposal is accompanied by Landscape Plans prepared by landscape architects and designers at Urbis, who are qualified and accredited.</p>
	<p>4. All required landscape works are implemented by members of the Landscape Contractors Association of NSW and/or similar qualified contractors. In the case of Category 3 development, implementation is under the supervision of the landscape consultant responsible for the design.</p>	<p>The proposal is accompanied by Landscape Plans prepared by landscape architects and designers at Urbis, who are qualified and accredited.</p>
<p>7.02.02 General controls</p>	<p>1. Landscaping is in scale and context with the proposed development, street reserve width, other buildings and landscape elements within the streetscape, ie. it is not appropriate to plant a large tree in the front garden of a small terrace or to landscape a large industrial structure with ground covers.</p>	<p>The proposal has been through a conscientious design process to ensure the landscaping strategy prepared is compliant with NDCP 2012. The existing site has limited landscaping and therefore preservation was limited. The introduction of new landscaping</p>

DCP Provision	Comment	Complies
	<p>2. Existing trees and vegetation should be preserved particularly street trees and those within the front setback. The existing tree canopy is retained and enhanced wherever possible.</p> <p>3. Where possible integrate on-site stormwater management with the design of landscaped areas.</p> <p>4. Plant species are selected and located to avoid structures, services and paths.</p> <p>5. Undesirable species are not selected (See Appendix 1 of Urban Forest Technical Manual and Appendix B Landscape Technical Manual).</p> <p>6. Deep soil zones are optimised within a site by:</p> <p>(a) the design of basement and sub-basement car parking, so as not to fully cover the site and conflict with tree planting</p> <p>(b) ensuring appropriate front and side setbacks are provided for tree planting</p> <p>(c) that the soil profile is free draining</p> <p>(d) works, excavations, infrastructure, services and drainage pipes are located away from the deep soil zone</p> <p>(e) optimise the extent of deep soil zones beyond the site boundaries by locating them contiguous with the deep soil zones of adjacent properties.</p> <p>7. Landscape treatment within the front setback is substantial enough to enhance the appearance and integration of the development with the streetscape.</p> <p>8. Landscape design responds to user requirements, taking into account maintenance, social / recreational needs and aesthetic quality.</p>	<p>been carefully picked with consideration of connecting with country and the urban environment that the site is located. Ground plane landscaping will assist in flood and stormwater run-off and are inclusive of deep soil zones for greater absorption. The Ground Plane has integrated a vast amount of landscaping to enhance the streetscape, improve visual appearance and design and for CPTED integration. Refer to Landscape Plans prepared by Urbis for further details.</p>

DCP Provision	Comment	Complies
	<p>9. Plant species are suitable for site conditions, using native species where possible, and local indigenous species adjoining environmentally sensitive sites, such as waterways and bushland.</p> <p>10. Landscape design is used to enhance the amenity and energy efficiency of the development where possible by providing shade to the northerly and westerly elevations of buildings in summer and adequate solar access in winter.</p> <p>11. Landscape areas to address privacy issues between dwellings.</p> <p>12. Significant site vegetation, landscape features incorporated in the public landscape areas of the development and linked to the local open space network where possible.</p> <p>13. Adequate provision is made for planted buffer zones between major road corridors and nearby development. (Refer Figure 1).</p>	
7.02.04 Car parking	<p>1. Significant landscape elements are conserved and incorporated within the car park design.</p> <p>2. Generous shade trees are planted within the parking area at a rate of at least one shade tree per six parking spaces with an aim to achieve at least 50% shade cover of the area. Shade area is to be calculated from the estimated crown projections of a tree 15 years in age under suitable growing conditions. Selected tree species are to develop a clean trunk height greater than 4.5m and a crown projection of at least 50m² to provide adequate shade and vehicle clearance. Landscape documentation is to detail the provision of sub-grade load bearing root vaults to provide suitable rooting volume for the required number of shade trees.</p> <p>3. A landscape strip of between 1.5m and 3m is provided along the frontage to a street and/or other public space.</p>	<p>Consideration has been given to the way landscape elements are incorporated into the car park design. The landscaping strategy for the proposal has a focus on extending the adjacent Birdwood Park into the development. The concept of extending the park into the site and allowing it to be expressed on the northern part of the car park podium façade along Hunter Street has been pursued through complementary design gestures.</p>

DCP Provision	Comment	Complies
	<p>4. Reduce the visual impact of large parking areas using canopy trees and different surface treatments, such as permeable paving and the provision of pedestrian access.</p> <p>5. Consideration is given to the following:</p> <p>(a) using contrasting paving to delineate pedestrian and vehicular zones</p> <p>(b) lighting for night use</p> <p>(c) using kerbs or wheel restraints to contain and define parking areas</p> <p>(d) using shrubs to screen cars from the street.</p> <p>6. Clear sightlines are maintained between parking areas, public roads and paths.</p>	<p>The parking will be within the podium and will not need to provide additional shade.</p> <p>The car park is not at the street level is within the podium, with a landscape cove to alleviate views into the car park.</p> <p>The car parking will have minimal visual impact from the street level due to its location within the podium and landscaping that will be used to cover the visibility of the site.</p> <p>Landscaping planting will be adopted on both horizontal and vertical faces of the car park podium, extending from the stepped zone directly adjacent to the park and continuing through the length of the podium.</p> <p>As discussed in the Traffic Report by BG&E that accompanies this DA, the proposal is designed to enhance driver sightlines and visibility around-corners, particularly at the intersection of King Street & National Park Street and Hunter Street & National Park Street. Corner splays in excess of 3.0m x 3.0m have been provided at the aforementioned</p>

DCP Provision	Comment	Complies															
		intersection to improve driver sightlines as compared to the existing configuration.															
7.02.06 Green walls and roof space	<p>1. Planting on structures is designed for optimum conditions for plant growth by:</p> <p>(a) providing soil depth, soil volume and soil area appropriate to the size of the plants to be established</p> <p>(b) providing appropriate soil conditions and irrigation methods</p> <p>(c) providing appropriate drainage.</p> <p>2. Planters are to be designed to support the appropriate soil depth and plant selection by:</p> <p>(a) ensuring planter proportions accommodate the largest volume of soil possible and soil depths to ensure healthy tree and shrub growth</p> <p>(b) providing square or rectangular planting areas where possible, rather than narrow linear areas.</p> <p>3. Provide sufficient soil depth and area to allow for plant establishment and growth. The following minimum standards are recommended:</p> <table border="1" data-bbox="712 1094 1494 1329"> <thead> <tr> <th>Plant Type</th> <th>Minimum Soil Depth (m)</th> <th>Minimum Soil Volume (m³)</th> </tr> </thead> <tbody> <tr> <td>Large trees (over 8m high)</td> <td>1.3</td> <td>150</td> </tr> <tr> <td>Medium trees or shrubs(2m to 8m high)</td> <td>1.0</td> <td>35</td> </tr> <tr> <td>Small trees or shrubs (up to 2m high)</td> <td>0.8</td> <td>9</td> </tr> <tr> <td>Small shrubs and ground cover</td> <td>0.5</td> <td>Not applicable</td> </tr> </tbody> </table> <p>4. Green walls are used to enliven blank facades.</p>	Plant Type	Minimum Soil Depth (m)	Minimum Soil Volume (m ³)	Large trees (over 8m high)	1.3	150	Medium trees or shrubs(2m to 8m high)	1.0	35	Small trees or shrubs (up to 2m high)	0.8	9	Small shrubs and ground cover	0.5	Not applicable	<p>Where relevant to plant on structures on site there is adequate soil volume, area and space to ensure that the plants are established appropriately, providing appropriate drainage. This is evident and displayed in the landscape plan and sections that accompany this DA.</p> <p>Landscape planting will be adopted on both horizontal and vertical faces of the podium, extending from the stepped zone directly adjacent to the park and continuing through the length of the podium.</p> <p>The proposal also incorporates a generous public plaza which is framed by various tree species, landscape planter boxes and grasses, allowing pedestrians to move through the landscaped ground plane with ease. As the development has no basement car parking the entire plaza provides for deep soil allowing large tree species to grow filling the space.</p>
Plant Type	Minimum Soil Depth (m)	Minimum Soil Volume (m ³)															
Large trees (over 8m high)	1.3	150															
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Small shrubs and ground cover	0.5	Not applicable															

DCP Provision	Comment	Complies
	<p>5. Water filtration is optimised by green roofs through the use of permeable paving.</p> <p>6. Utilities such as plant rooms, lift overruns or air conditioning units are screened with green cover to improve the aesthetic quality of the development.</p>	
Section 7.03 Traffic, Parking and Access		
<p>7.03.01 Traffic studies and plans</p> <p>A. Traffic impact study</p>	<p><u>Controls applying to all development to which this section applies</u></p> <p>1. The Statement of Environmental Effects addresses the following issues:</p> <p>(a) parking facilities provided, with details of calculations, types, number and arrangement</p> <p>(b) proposed access arrangements and their compliance with design standards outlined in this Section</p> <p>(c) identification of public transport services, stops and shelters in the vicinity of the development</p> <p>(d) traffic generation, impacts expected and proposed traffic management measures.</p>	<p>The Statement of Environmental Effects prepared by Urbis addresses the relevant provisions contained within 7.03.01 of the NDCP 2012. This application is also accompanied by a Traffic Impact Assessment prepared by BG&E which discusses the provisions in further detail.</p>
	<p>2. Development proposals which, in the opinion of Council, may cause significant impacts on the surrounding movement network, are supported by a Traffic Impact Study, prepared by a suitably qualified and experienced transport professional. The requirement for a Traffic Impact Study should be discussed with Council pre-lodgement.</p>	<p>A Traffic Impact Assessment has been prepared by BG&E and accompanies this application.</p>
	<p>3. Issues addressed in the Traffic Impact Study include:</p> <p>(a) review of the existing and proposed traffic network, traffic operating conditions and flows</p>	<p>A Traffic Impact Assessment has been prepared by BG&E and accompanies this application. The report discusses the proposals</p>

DCP Provision	Comment	Complies
	<p>(b) likely car parking supply and demand, as well as servicing requirements</p> <p>(c) estimates of trip generation of the development</p> <p>(d) public transport services in the vicinity of the proposed development</p> <p>(e) impacts of generated traffic on the surrounding road network and the locality</p> <p>(f) safety of access between the site and the adjacent road network</p> <p>(g) pedestrian infrastructure, generation and movements</p> <p>(h) recommended improvement works</p> <p>(i) linkages with existing and proposed bicycle and pedestrian routes.</p>	<p>compliance with the relevant provisions within the NDCP 2012.</p>
	<p>4. Further to (3) above, the Traffic Impact Study also includes details of public transport services and stops, and measures proposed to increase mode share to public transport and improve access to services. Evidence of liaison with public transport service providers and Transport NSW is provided.</p> <p><u>Controls applying to all development listed in State Environmental Planning Policy (Infrastructure) 2007 Schedule 3 Traffic Generating Development to be referred to Transport for NSW.</u></p>	<p>A Traffic Impact Assessment has been prepared by BG&E and accompanies this application. The report discusses the proposals compliance with the relevant provisions within the NDCP 2012.</p> <p>A Green Travel Plan has been prepared and accompanies this DA. It looks at the most sustainable travel options that are viable for someone travelling to and from the development. There are many accessible options via sustainable transport for this site.</p> <p>The Landscape report also addresses Bicycle parking in the</p>

DCP Provision	Comment	Complies
		public domain, and a flexible bus stop design.
	5. A Traffic Impact Study, prepared by a suitably qualified and experienced transport professional, is submitted with the Development Application.	The proposal is accompanied by a Traffic Impact Assessment prepared by BG&E traffic engineers, who are qualified and accredited.
	6. The Traffic Impact Study is prepared in accordance with the RTA Guide to Traffic Generating Developments (2002), or subsequent versions. The Traffic Impact Study includes details of public transport services and stops, and measures proposed to increase mode share to public transport and improve access to services. Evidence of liaison with public transport service providers and Transport for NSW is to be provided.	The Traffic Impact Assessment has been prepared in accordance with the RTA Guidelines to Traffic Generating Developments (2002) and subsequent versions.
B Construction traffic management plan	<p>Controls applying to all development to which this section applies</p> <p>1. Council requires submission of a draft Construction Traffic Management Plan, where it is likely that the demolition and construction phases of a development will significantly impact traffic movement, pedestrians and/or parking.</p>	A Construction Management Plan prepared by St Hilliers accompanies this development application.
	2. The draft Construction Traffic Management Plan is prepared in accordance with Australian Standard 1742.3 by a Transport for NSW qualified person as defined under the RMS publication Traffic Control at Work Sites.	The Construction Management Plan prepared by St Hilliers accompanies this development application.
	<p>3. The draft Construction Traffic Management Plan clearly sets out:</p> <p>a) traffic generation associated with demolition and construction</p>	Refer to Construction Management Plan prepared by St Hilliers which accompanies this development application.

DCP Provision	Comment	Complies
	<p>b) heavy vehicle routes c) impacts on road networks, cycle routes, pedestrian paths and parking, including frequency and duration of closures, and associated control measures</p> <p>d) proposed hours of operation in demolition and construction phases.</p>	
	<p>4. Provision is made for safe, continuous movement of traffic and pedestrians on public roads and for the erection of traffic warning signs conforming to the RTA's General Specifications (maintained by Transport for NSW). Traffic control is carried out only by traffic controllers with certification of training in accordance with Australian Standard 1742.3.</p>	<p>The proposal will comply with this provision of the NDCP 2012.</p>
	<p>5. The conditions of consent for development outline requirements of the Construction Management Plan</p>	
<p>7.03.02 Parking provision</p> <p>A. Parking rates</p>	<p>The following controls apply only to the Newcastle City Centre, Renewal Corridors, The Junction and Hamilton B2 Local Centre zone and Darby Street Mixed Use zone</p> <p>1. Car parking rates for all development in these areas are established based on a car parking assessment submitted with the development application which addresses the following criteria:</p> <p>(a) the size and nature of the development, including any change of use proposed, the amount of additional floor area relative to the existing floor area and the increased parking demand likely to be generated</p> <p>(b) the proportion of staff, visitors or patrons likely to arrive by car</p> <p>(c) the availability and level of service of public transport relative to the site and the probable transport mode of staff, visitors or patrons of the development</p> <p>(d) the number of employees and their likely spread of work hours</p>	<p>Stage 1 provides 165 car parking spaces including 13 accessible spaces which complies with the NDCP 2012 parking requirement. In addition, 5% of the 165 car parking spaces are required to have Electric Vehicle (EV) charging point. Therefore, 9 spaces are proposed to have EV charging points, complying with the NDCP 2012 requirement.</p> <p>Stage 2 provides 135 car parking spaces including 7 accessible spaces which complies the NDCP parking requirement. In addition, 5% of the 135 car parking spaces are required to have Electric Vehicle (EV) charging point. Therefore, 6 spaces are proposed to have EV</p>

DCP Provision	Comment	Complies								
	<p>(e) the hours of operation</p> <p>(f) the location of the premises, particularly in relation to schools, local services, and employment, retail and recreational facilities</p> <p>(g) the number of occasions during the year when the proposed development is likely to be fully utilised</p> <p>(h) the availability of public parking within a reasonable distance of the proposed development</p> <p>(i) the availability of additional parking facilities to cover peak demands (j) the impacts of providing on-site parking</p> <p>(k) anticipated impacts of not providing adequate on-site car parking ensuring no significant impact on public on-street parking provision in the area in context to the CN Parking Plan 2021 - Newcastle Parking Management Framework.</p> <table border="1" data-bbox="712 874 1592 954"> <thead> <tr> <th colspan="4" data-bbox="712 874 1592 898">Retail</th> </tr> </thead> <tbody> <tr> <td data-bbox="712 898 936 954">Specialised retail premises</td> <td data-bbox="936 898 1160 954">1 space per 60m² GFA</td> <td data-bbox="1160 898 1384 954">1 space per 20 staff (Security Level B)</td> <td data-bbox="1384 898 1592 954">1 space per 20 car spaces</td> </tr> </tbody> </table>	Retail				Specialised retail premises	1 space per 60m ² GFA	1 space per 20 staff (Security Level B)	1 space per 20 car spaces	<p>charging points, complying with the NDCP 2012 requirement.</p>
Retail										
Specialised retail premises	1 space per 60m ² GFA	1 space per 20 staff (Security Level B)	1 space per 20 car spaces							

DCP Provision	Comment	Complies																
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RESIDENTIAL ACCOMMODATION																		
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	2. Residential development as listed in Table 3 must provide no more than the number of car parking spaces specified.	The proposal is compliant with the provisions of NDCP 2012 as discussed above.																
	3. For residential development, the proposed provision of car parking within this maximum car parking rate does not prevent the reallocation of car parking through unbundling.	The proposal is compliant with the provisions of NDCP 2012 as discussed above.																
	4. For residential development, visitor car parking spaces are not to be unbundled and are to be nominated as common property in a strata subdivision.	The proposal is compliant with the provisions of NDCP 2012 as discussed above.																
	6. The total number of parking spaces for a mixed-use development is generally calculated on the basis of the sum of the required car parking spaces in respect of each use, unless it is demonstrated that an overlap of car parking demand is likely to occur.	The proposal is compliant with the provisions of NDCP 2012.																

DCP Provision	Comment	Complies
	<p>7. The total number of spaces to be provided for each type of use of parking is rounded to the nearest whole number.</p>	<p>The proposal is compliant with the provisions of NDCP 2012.</p>
	<p>8. Car parking is provided in accordance with the rates set out in Table 1 – Parking rates, except for car parking for development in the Newcastle City Centre, Renewal Corridors, The Junction and Hamilton B2 Local Centre zone and Darby Street Mixed Use zone. Council may vary the rates within these areas, subject to merit assessment of the proposal.</p> <p>9. Unbundled car parking is only permitted in accordance with, and for land uses and locations specified in Table 3.</p> <p>10. Parking provision for major traffic generating development in Newcastle is assessed on merit, with particular reference to:</p> <p>(a) likely peak usage times (b) the extent to which development will attract additional patronage, as opposed to drawing on existing visitations</p> <p>(c) the likely use of public transport.</p> <p>11. Excluding the Newcastle City Centre, Renewal Corridors, The Junction and Hamilton B2 Local Centre zone and Darby Street Mixed Use zone, parking provision for developments not listed in Table 1 is assessed having regard to Transport for NSW guidelines, and/or demonstration of parking requirements from surveys of comparable establishments and the following criteria:</p> <p>(a) the size and nature of the development, including any change of use proposed, the amount of additional floor area relative to the existing floor area and the increased parking demand likely to be generated</p> <p>(b) the proportion of staff, visitors or patrons likely to arrive by car</p>	<p>The proposal is compliant with the provisions of NDCP 2012, as discussed above.</p>

DCP Provision	Comment	Complies
	<p>(c) the availability and level of service of public transport relative to the site and the probable transport mode of staff, visitors or patrons of the development</p> <p>(d) the number of employees and their likely spread of work hours</p> <p>(e) the hours of operation</p> <p>(f) the location of the premises, particularly in relation to schools, local services, and employment, retail and recreational facilities</p> <p>(g) the number of occasions during the year when the proposed development is likely to be fully utilised</p> <p>(h) the availability of public parking within a reasonable distance of the proposed development</p> <p>(i) the availability of additional parking facilities to cover peak demands</p> <p>(j) anticipated impacts of not providing adequate on-site car parking ensuring no significant impact on public on-street parking provision in the area in context to the CN Parking Plan 2021 - Newcastle Parking Management Framework.</p>	
	<p>16. Service vehicle parking, courier facilities and loading and unloading facilities are provided on site in a manner that is conveniently accessible for all developments likely to generate a need for such facilities. The submitted plans clearly indicate that the proposed facilities will be adequate, having regard to:</p> <p>(a) intended use of the site</p> <p>(b) frequency of deliveries and collections</p> <p>(c) size and bulk of goods</p>	<p>One centralised loading and waste collection area is proposed for the development which is adequately designed for both small and large deliveries. This will be constructed as part of the first stage, with future development stages (i.e., Stage 2) also utilising this loading area following its completion. This loading</p>

DCP Provision	Comment	Complies
	<p>(d) size of vehicles</p> <p>(e) ease of access.</p>	<p>area will be accessed through the driveway at Little King Street.</p> <p>The proposal also removes all existing driveway crossings to National Park Street and proposes a flexible short-term pick-up drop off on street area suitable for use as loading/taxi/uber/food delivery which could be delivered without a net loss to on street parking. These areas are increasingly important for CBD residents and business particularly with the growth of the 'gig economy' where drivers need a safe and convenient place to stop and service customers across an 18-hour day.</p> <p>All servicing and loading facilities are detailed on the accompanying Architectural Plans prepared by Plus Architecture.</p>
	<p>17. Table 2 shows indicative standards for provision of service vehicles for various types of development.</p>	<p>The proposal is compliant with this provision of the NDCP 2012 as discussed above.</p>
	<p>18. Council may require the provision of taxi, private vehicle and bus/coach drop off/set down areas were warranted by the proposed development. Specifically, bus set down facilities are provided, in close proximity to the main pedestrian access, for education establishments, shopping centre developments or commercial premises of more than 10,000m², convention</p>	<p>The proposal removes all existing driveway crossings to National Park Street and proposes a flexible short-term pick-up drop off on street area suitable for use as</p>

DCP Provision	Comment	Complies
	and exhibition centres, and other development as deemed appropriate by Council.	loading/taxi/uber/food delivery which could be delivered without a net loss to on street parking.
C. Bike parking	1. Secure and conveniently accessible bicycle parking for new development is provided in accordance with the rates set out in Table 1. Council may require a greater provision of bicycle parking than indicated if warranted in particular circumstances. Historic parking deficiency does not apply to the provision of bike parking	<p>The bicycle provisions for a residential development are not listed in the Newcastle DCP, therefore the non-residential rate has been adopted (1 space per dwelling plus 1 space per 10 dwellings (class 3) for visitors). The bike parking for a commercial/retail use is 1 space per 20 staff (Class 2), however, staff numbers are difficult to predict and therefore a rate for a commercial/office is adopted of 1 space per 200m2 GFA (class 2).</p> <p>Stage 1 of the proposal will provide 153 bicycle spaces and Stage 2 will provide 137 bicycle space, hence the DCP parking requirement is satisfied.</p> <p>There is also bicycle parking in the public domain to make it easier for retail customers</p>
	2. Bicycle parking complies with the relevant Australian Standard (AS2890).	The proposal is compliant with relevant Australian Standards.

DCP Provision	Comment	Complies
	3. Bicycle parking is clearly marked and signposted.	Bicycle parking has been clearly marked and signposted, as shown in the Architectural Plans prepared by Plus Architecture.
	4. Where bicycle parking is provided within a car parking area, adequate sight lines are provided to ensure safety of users.	The proposal provides adequate sight lines to ensure the safety of users.
	5. Where bicycle parking for tenants is provided in a basement car park, it is located on the uppermost level, close to entry/exit points. A well-lit, marked path of travel from the bicycle parking area to entry/exit points is provided.	The proposal does not include a basement car park.
	6. Bicycle parking for visitors/shoppers is provided at grade near key access points to the development.	Bicycle parking is provided within the podium level car park near access points to the development, with convenient access off the street.
	7. Where shower facilities and change rooms are provided for cyclists, convenient access to such facilities is to be considered in the siting of bicycle parking.	End of trip facilities are conveniently provided within the proposal on the ground floor.
	8. Access to bicycle parking is provided in accordance with the Austroads, Cycling Aspects of Austroads Guides, which reference Austroads Guide to Traffic Engineering Practice. Slotted drainage grates, longitudinal joint cracks and sharp gradient transitions, which provide hazards to riders, are avoided.	The proposal is compliant with this provision of the NDCP 2012.
	9. Table 1 describes the type of bicycle parking facility to be provided. Bicycle parking is categorised as Security Level B and Security Level C,	The proposal is compliant with this provision of the NDCP 2012.

DCP Provision	Comment	Complies
	which references Section 4.1 of the Austroads publication – Bicycle Parking Facilities: Updating the Austroads Guide to Traffic Management.	
D. Motorbike parking	1. Motorbike parking for new development is provided in accordance with the rates set out in Table 1. Council may require a greater provision of motorbike parking than indicated where warranted in the particular circumstances.	<p>Stage 1:</p> <p>The motorcycle parking requirements as outlined in the DCP is 8 spaces, the development will provide 8 spaces and therefore is compliant.</p> <p>Stage 2:</p> <p>The motorcycle parking requirements as outlined in the DCP is 6 spaces, the development will provide 6 spaces and therefore is compliant.</p>
	2. Motorbike parking complies with the relevant Australian Standard (AS2890) and RMS Technical direction TDT 2004/02, Motor Bike Parking.	The proposal is compliant with the relevant Australian Standard.
E. Parking for people with a disability	1. A proportion of parking spaces is designed and designated by appropriate pavement marking and signposting as parking for people with a disability. Minimum rates are in accordance with the Building Code of Australia.	<p>Stage 1 provides 165 car parking spaces including 13 accessible spaces which complies the NDCP parking requirement.</p> <p>Stage 2 provides 135 car parking spaces including 7 accessible spaces which complies the NDCP parking requirement.</p>

DCP Provision	Comment	Complies
		The proposal is compliant with this provision of the NDCP 2012.
	2. Parking for people with a disability is designed and constructed in accordance with current relevant Australian Standards (AS2890 and AS1428), and the Building Code of Australia.	All accessible parking spaces will be constructed in accordance with current relevant Australian Standards (AS2890 and AS1428), and the Building Code of Australia.
	3. Parking spaces for people with a disability are identified by a sign incorporating the appropriate international symbol. The signage and indicative directions are visible from a vehicle at the entrance to the car park.	The proposal provides parking for people with a disability and identifies these parking spaces with an appropriate international symbol.
	4. Parking spaces for people with a disability are located close to wheelchair accessible entrances or lifts	The proposal provides accessible parking in close proximity to wheelchair accessible entrances and lifts.
	5. A continuous accessible path of travel is provided from each parking space for people with a disability to the closest accessible public entrance.	The proposal provides a continuous path of travel from each parking space for people with a disability to the closest public entrance.
	6. The minimum floor to ceiling clearance above parking spaces for people with a disability is 2.5m and the minimum floor to ceiling height clearance throughout the accessible path of travel is 2.3m.	The proposal complies with this provision of the NDCP 2012.
	7. The applicant is required to demonstrate, to the satisfaction of Council, how parking restrictions are enforced. Council may enter into an agreement with the owner/operator of the premises to allow Council's Compliance Officers to enter the site to enforce parking restrictions. Should	Noted.

DCP Provision	Comment	Complies
	such an arrangement be mutually agreed, it will be included as a condition of consent.	
7. Electric vehicle parking	<p>1. Electric circuitry to accommodate 'Level 2' or higher standard electric vehicle charging points must be integrated into all off-street car parking of new residential and non-residential development to ensure that 100% of car spaces can install electric vehicle charging points in the future. This must include:</p> <p>(a) Ensuring adequate electrical capacity and infrastructure (cable size, distribution board size etc.) for the electric vehicle charging point system; and</p> <p>(b) Providing either buried cables underground or cable trays sufficient to accommodate electric circuitry to each car space (see Figure 1 and Figure 2).</p>	<p>To make the new development 100% EV Ready, provisions for an additional 2MVA of loading will be required along with cable tray reticulation along the carpark levels including zoned area distribution boards are proposed in both stages of work. Each EV DB provisions will be rated to approx. 250 – 400A 3 Phase or as required. All future EV electrical circuitry points will be fed from these EV distribution boards as required.</p> <p>Accordingly, the proposal complies with this provision of the NDCP 2012 as shown in Electrical Capacity report that accompanies this DA.</p>
	<p>2. Minimum electric circuitry for a 'Level 2' electric vehicle charging point, if provided, is required to be:</p> <p>(a) Privately available spaces: 'Level 2' slow – single phase with 7kW power or higher standard; and</p> <p>(b) Shared spaces: 'Level 2' fast – three-phase with 11-22kW power or higher standard.</p>	The proposal is compliant with this provision of the NDCP 2012.

DCP Provision	Comment	Complies
	3. In addition to EV Ready, the installation of electric circuitry for a 'Level 2' or higher standard electric vehicle charging point is encouraged for new dwelling houses, semi-detached dwellings or dual occupancies.	Not applicable.
	4. A Development Application is accompanied by a report prepared by a suitably qualified and experienced person (such as an electrical engineer) demonstrating how the development will be EV Ready. This report should also include an accurate electrical plan, specifications for any off-street car parking and any electric kiosk requirements.	An EV report has been prepared that accompanies this DA, it outlines how compliance has been achieved for this proposal.
	5. Provide EV Distribution Board(s) of sufficient size to allow connection of all EV Ready connections.	An EV report has been prepared that accompanies this DA, it outlines how compliance has been achieved for this proposal.
	6. Locate EV Distribution Board(s) so that no future EV Ready connection will require a cable of more than 50 metres from the parking bay to connect.	An EV report has been prepared that accompanies this DA, it outlines how compliance has been achieved for this proposal.
	7. Identify on the plans submitted with the development application, the future installation location of the cable trays from the EV Distribution Board to the car spaces allocated to each dwelling that are provided a Future EV connection, with confirmation of adequacy from a suitably qualified person (such as an electrical engineer). Spatial allowances are to be made for cables trays and EV Distribution Board(s) when designing in other services.	An EV report has been prepared that accompanies this DA, it outlines how compliance has been achieved for this proposal.
	8. Development must provide 1 car parking space or 5% of all car parking spaces – whichever is greater - to have a 'Level 2' or higher standard electric vehicle charging point installed. A Development Application is accompanied by a report prepared by a suitably qualified and experienced person (such as an electrical engineer) demonstrating how the	An EV report has been prepared that accompanies this DA, it outlines how compliance has been achieved for this proposal.

DCP Provision	Comment	Complies
	<p>development will provide the specified electric vehicle charging point(s). This report should also include an accurate electrical plan, specifications for any off-streetcar parking and any electric kiosk requirements.</p>	
7.05 Energy Efficiency		
7.05.01 Business development	<ol style="list-style-type: none"> 1. Development is to meet a minimum 4 Star Green Star Rating in the Green Building Council of Australia rating system where applicable. 2. An energy efficiency report from a suitably qualified consultant should accompany any development application for new commercial office development over \$5 million in estimated cost. The required report is to demonstrate that the building would achieve a rating of not less than 4 Star Green Star Rating in the Green Building Council of Australia Rating System where applicable. 3. The placement of glazing on new buildings and facades does not result in glare that causes discomfort or threatens safety of pedestrians or drivers, or negatively impact on adjoining development. 4. Building materials used on the facades of new buildings are low reflectivity. 5. Subject to the extent and nature of glazing and reflective materials used, a reflectivity report may be required that analyses potential solar glare from the proposed development on pedestrians or motorists. 	<p>The proposal is compliant with this provision of the NDCP 2012.</p> <p>The development meets a 4-star Green Star Rating with an energy efficiency report as outlined in the ESD Report prepared by Credwell that accompanies this DA.</p> <p>The glazing that is placed on the façade, building materials and reflectivity has been assessed to ensure the glare is appropriate and is detailed in the Reflectivity Report prepared by Windtech that accompanies this DA. It ensures any unnecessary solar glare is minimised through materials used and mitigation measures implemented.</p> <p>Refer to a detailed Design Report prepared by Plus Architecture, refer to this assessment for further details.</p>

DCP Provision	Comment	Complies
		Make sure the relevant reports are referenced.
7.06 Stormwater	<p>1. For the purpose of this section, the following documents are submitted with a development application for the development type:</p> <p>Water cycle management plan</p> <p>Soil and water management plan</p> <p>Broad scale development assessment checklist for water sensitive urban design (see Note 2)</p>	A Stormwater Management Plan prepared by BG&E is submitted with this application.
7.06.02 All Development	<p>1. The water cycle management plan or stormwater management plan (whichever is submitted with the development application) includes the following items:</p> <p>(i) the location of all buildings, driveways and impervious surfaces</p> <p>(ii) the location of any watercourses or bushland passing through or adjacent to the property</p> <p>(iii) any overland flowpaths which drain through the property or adjacent to the property</p> <p>(iv) the location, size and depth of easements or drainage pipelines</p> <p>(v) the discharge point of the site into the public drainage system.</p> <p>(vi) cross section and long sections of major drainage structures.</p>	A Stormwater Management Plan prepared by BG&E accompanies this application and outlines the proposals compliance with the NDCP 2012.
	<p>3. Maintenance manuals are to be provided for all devices in large scale development and selected devices for other types of development that include on-site retention, bioretention rain gardens, bioretention swales, porous paving and sand filters within basins. The manual is to address maintenance issues including routine monitoring and maintenance as well</p>	Noted. The proposal will be compliant with this provision of the NDCP 2012.

DCP Provision	Comment	Complies
	<p>as any associated components (such as vegetation, subsurface drainage, filter material, flush outs, etc) of the system that could impact on device performance. Periodic monitoring and maintenance are to ensure the system functions as designed and meets water quality and quantity targets as indicated in the DCP (see Table 4) over the life cycle of the device. The manual is to be kept onsite.</p>	
	<p>4. Each on site stormwater management system shall be indicated on site by fixing a marker plate or sign in a prominent position. The marker plate or sign is to be provided in accordance with the Stormwater and Water Efficiency for Development Technical Manual.</p>	<p>Noted. The proposal will be compliant with this provision of the NDCP 2012.</p>
	<p>6. Stormwater treatment measures are integrated into the urban design and landscaped areas</p>	<p>The proposal is compliant with this provision of NDCP 2012.</p>
	<p>7. Stormwater treatment measures are located, and configured, to maximise the impervious area that is treated. Devices are to be located within the property boundary.</p>	<p>The proposal will be compliant with this provision of NDCP 2012.</p>
<p>7.07.01 Water Efficiency</p>	<p>General controls applying to all development (other than residential development)</p> <p>1. Where plumbing fixtures and water appliances are proposed to be installed, such are to be of the following types:</p> <p>(a) a minimum WELS 3 Star Water Rating</p> <p>(b) maximum 6L dual flush toilet cisterns where they are not supplied by a roof water tank.</p> <p>2. Where washing appliances are installed, they are WELS 3 Star (or better) Water Rated where they are not supplied by a roof water tank.</p>	<p>Noted, the proposal will ensure compliance with this provision of the NDCP 2012. Refer to BASIX and ESD report prepared by Credwell.</p>

DCP Provision	Comment	Complies												
	<p>3. Where installed, garden water hoses are fitted with trigger nozzles in order to maximise the efficiency of garden watering.</p> <p>4. A rainwater tank is installed for the dual purposes of mains water demand management and reducing the volume of stormwater discharge from sites. The rainwater tank must be connected to roof areas and not be connected to possible contaminating water sources. All rainwater tanks must be fitted with a first flush device to prevent contaminates fouling water and to prolong the life of the tank. Rainwater tanks should be designed to cater for maintenance and cleaning.</p> <p>Where rainwater tanks are provided, the volume of the tank can be used to offset any additional discharge control storage that is required. Rainwater tanks are to supply water for toilets, watering systems and other reuse devices and be designed and installed in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual.</p> <p>5. Toilets and watering systems for landscaping are connected to rainwater supply.</p> <p>6. Where devices in Table 1 are installed, they are to be of the type indicated. Where water is supplied to washing appliances from roof water tanks, this requirement does not apply.</p> <table border="1" data-bbox="712 1077 1227 1412"> <thead> <tr> <th data-bbox="712 1077 943 1125">Device</th> <th data-bbox="943 1077 1227 1125">Requirement</th> </tr> </thead> <tbody> <tr> <td data-bbox="712 1125 943 1181">Shower heads</td> <td data-bbox="943 1125 1227 1181">WELS 3 Star or better</td> </tr> <tr> <td data-bbox="712 1181 943 1236">Toilet Cisterns</td> <td data-bbox="943 1181 1227 1236">6L – 3L dual flush</td> </tr> <tr> <td data-bbox="712 1236 943 1292">Basin Taps</td> <td data-bbox="943 1236 1227 1292">WELS 3 Star or better</td> </tr> <tr> <td data-bbox="712 1292 943 1348">Dishwasher</td> <td data-bbox="943 1292 1227 1348">WELS 3 Star or better</td> </tr> <tr> <td data-bbox="712 1348 943 1412">Washing Machine</td> <td data-bbox="943 1348 1227 1412">WELS 3 Star or better</td> </tr> </tbody> </table>	Device	Requirement	Shower heads	WELS 3 Star or better	Toilet Cisterns	6L – 3L dual flush	Basin Taps	WELS 3 Star or better	Dishwasher	WELS 3 Star or better	Washing Machine	WELS 3 Star or better	
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DCP Provision	Comment	Complies
7.08 Waste Management		
7.08.02 Demolition and construction	<p>Controls applying to all development to which this section applies</p> <ol style="list-style-type: none"> 1. The SWMMP within the Statement of Environmental Effects includes details which demonstrate an allocated area for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation, and access and handling requirements). 2. Site disturbance is minimised by limiting unnecessary excavation where materials are not to be used on site as part of developments. 3. A suitable waste receptacle is provided at the work site before work commences and is regularly serviced to prevent overflowing waste and windblown waste from leaving site. 4. The SWMMP incorporates the following requirements: <ol style="list-style-type: none"> (a) separate collection bins or areas for the storage of residual waste are provided and clearly signposted (b) footpaths, public reserves, street gutters are not used as places to store demolition waste or materials of any kind without Council approval (c) any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 (d) waste is only transported to a place that can lawfully be used as a waste facility (e) generation, storage, treatment, transport and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the NSW Environmental Protection Authority, NSW Environment, Energy and Science Group and 	<p>The Construction Management Plan prepared by St Hillers and Waste Management Plans prepared by Elephants Foot. which accompany this development application outline the proposals compliance with this provision of the NDCP 2012. The Waste Management Plan also outlines the generation, storage, treatment, transport and disposal of waste, estimating volumes and identifying management of waste throughout demolition, construction and operation.</p>

DCP Provision	Comment	Complies
	<p>relevant Occupational Health and Safety legislation administered by SafeWork NSW</p> <p>(f) evidence such as weighbridge dockets and invoices for waste transport, disposal or recycling services are retained and are readily accessible for inspection by regulatory authorities such as Council, NSW Environmental Protection Authority, NSW Environment, Energy and Science Group or SafeWork NSW</p> <p>(g) arrange contractors for the transport, processing and disposal of waste and recycling and ensure that all contractors are aware of the legal requirements for disposing of waste</p> <p>(h) estimate volumes of materials to be used and incorporate these volumes into a purchasing policy so that the correct quantities are purchased. For small-scale building projects see the rates in the 'Waste Management Technical Manual' for a guide</p> <p>(i) identify potential reuse/recycling opportunities of excess construction materials</p> <p>(j) incorporate the use of prefabricated components and recycled materials</p> <p>(k) arrange for the delivery of materials so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage (l) measures shall be implemented to prevent damage by the elements, odour and health risks, and wind-blown litter.</p> <p>5. Any demolition necessary is carried out in accordance with 'AS 2601—2001, The Demolition of Structures'.</p> <p>6. Handling management, transport and disposal of hazardous materials including asbestos is in accordance with relevant waste legislation administered by the Environmental Protection Authority and relevant Occupational Health and Safety legislation and Codes of Practice</p>	

DCP Provision	Comment	Complies
	administered by SafeWork NSW, and the Australian Standard AS2601: 2001 – The Demolition of Structures.	
7.8 Operational Waste	<p>B. Commercial, mixed use and industrial development</p> <p>The required SWMMP shall include plans which demonstrate:</p> <p>(a) the location of the designated waste and recycling storage room(s) or areas, sized to meet the waste and recycling needs of all tenants</p> <p>(b) development includes a designated waste/recycling storage area or room(s) (designed in accordance with the 'Waste Management Technical Manual')</p> <p>(c) the path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area). Step-free access is provided</p> <p>between the point at which bins are collected/emptied and the waste/recycling storage room(s) or area(s)</p> <p>(d) the on-site path of travel for collection vehicles</p> <p>(e) depending upon the size and type of the development, it may be necessary to include a separate waste/recycling storage room/area for each tenancy</p> <p>(f) all tenants keep written evidence on site of a valid contract with a licensed waste contractor for the regular collection and disposal of the waste and recyclables that are generated on site</p> <p>(g) waste management facilities are suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system</p>	<p>The proposal is accompanied by an Operational Waste Management Plan prepared by Elephants Feet. The report provides details of the proposal's compliance against the NDCP 2012 provisions.</p>

DCP Provision	Comment	Complies
	<p>(h) where possible, waste/recycling containers are collected from a rear lane access point</p> <p>(i) the size and layout of the waste/recycling storage room/area are capable of accommodating reasonable future changes in use of the development</p> <p>(j) a waste/recycling cupboard is provided for each and every kitchen area in a development, including kitchen areas in hotel rooms, motel rooms and staff food preparation areas. Each waste/recycling cupboard must be of sufficient size to hold a minimum of a single day's waste and to hold separate containers for general waste and recyclable materials</p> <p>(k) premises that discharge trade wastewater do so in accordance with a written agreement from the local sewer authority (Hunter Water Corporation)</p> <p>(l) premises which generate at least 50L per day of meat, seafood or poultry waste have that waste collected on a daily basis or must store that waste in a dedicated and refrigerated waste storage area until collection</p> <p>(m) arrangements are in place regarding the regular maintenance and cleaning of waste management facilities. Tenants and cleaners are made aware of their obligations in regard to these matters</p> <p>(n) any waste chutes are designed in accordance with the requirements of the 'Waste Management Technical Manual', the 'Building Code of Australia' and 'Better practice guide for resource recovery in residential developments 2019. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use. Where recycling chutes are not provided, alternative interim disposal facilities for recyclables should be provided at each point of access to the waste chute system</p> <p>Controls applying to mixed use development to which this section applies</p>	

DCP Provision	Comment	Complies
	<p>In addition to the general requirements of this section, the SWMMP demonstrates the following for a mixed-use development:</p> <p>2. Mixed use development incorporates separate and self-contained waste management systems for the residential component and the non-residential component. In particular, the development incorporates separate waste/recycling storage rooms/areas for the residential and non-residential components.</p> <p>3. Commercial tenants are prevented (via signage and other means), from using the residential waste/recycling bins and vice versa.</p> <p>4. The residential waste management system and the non-residential waste management system are designed to efficiently operate without conflict. For example, collection vehicles disrupting peak residential and commercial traffic flows or causing noise issues when residents are sleeping.</p>	